

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer,

Plaintiff,

v.

ROMAN ARAGON, *et al.*,  
Defendants.

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69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM  
Rio Gallina, Section 5

**NOTICE OF CLAIM OF ADDITIONAL WATER RIGHTS  
AND COUNTERCLAIM**

The undersigned defendant, Henry Jacquez, hereby gives notice of his claim to additional water rights, and counterclaims against the plaintiff to confirm the additional rights. As grounds for defendant's claim, defendant states:

1. Defendant is the owner of approximately 217.76 (plus or minus) acres of real property located in Township 23 North, Range 1 East, Sections 11 and 12, County of Rio Arriba, State of New Mexico. The real property is shown on the survey attached to this pleading as Exhibit 1 and Warranty Deed Dated November 4, 1980, Tract IV attached to this pleading as Exhibit 2.
2. Defendant is the successor in interest to real property and water rights acquired by and through Francisco Valdez, as more fully set forth in a Declaration of Owners Water Rights, dated January 9, 1921, a copy of which is attached as exhibit 3.
3. The water rights were acquired by defendant as more fully set forth in a Change of Ownership of Water Right, filed in the State Engineer's Office, File No. 0466, on July 21, 1989

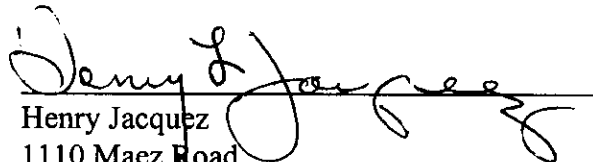
attached to this pleading as Exhibit 4.

4. The defendant and his predecessors in title have continuously made beneficial use of the water described in Exhibit 3, for irrigation and agricultural purposes beginning in or before 1890 and continuing to the present. In addition to irrigation, the defendant has also used the declared water rights to fill stock tanks and to provide water for cattle, and irrigate acreage for cattle grazing.

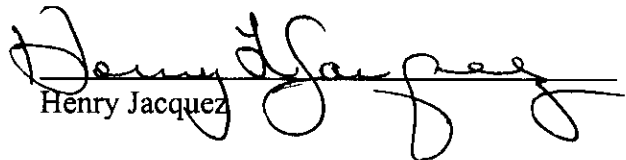
5. The plaintiff has failed to include the described water rights in the complaint and proposed consent order with respect to Subfile Number CHGA-020006A.

6. The water rights that defendant is entitled to are appurtenant to 190 acres, more fully described and identified in Exhibit 3, and shown on the edited partial Rio Chama Hydrographic Survey attached to this pleading as Exhibit 5.

Defendant requests that the court determine that he is the owner, in fee simple absolute, of water rights appurtenant to 190 acres as more fully set forth above, and for such other relief as the court determines to be proper.

  
Henry Jacquez  
1110 Maez Road  
Santa Fe, NM 87501  
Phone (505) 471-8757

I certify that I mailed a copy of this pleading to the attorney for the State Engineer's Office, Legal Services Division, P. O. Box 25102, Santa Fe, NM 87504-5102, this 20<sup>th</sup> day of December, 2000.

  
Henry Jacquez

THE EXHIBITS ATTACHED TO THIS  
PLEADING ARE TOO VOLUMINOUS TO  
SCAN. SAID EXHIBITS ARE ATTACHED  
TO THE ORIGINAL PLEADING IN THE  
CASE FILE WHICH IS LOCATED IN THE  
RECORDS DEPARTMENT, U.S.  
DISTRICT COURT CLERK'S OFFICE.